

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 3739	DATE	7/2/2001
CASE TITLE	Rafal Kaczkowski vs. Daimlerchrysler Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. The entire Answer is stricken to avoid the need to resort to patchwork pleading. Leave is, however, granted to file a self-contained Amended Answer in this Court's chambers on or before July 16, 2001.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.		ED-7 FILED FOR DOCKETING 01 JUL -3 PM 2:43	number of notices	Document Number 4
SN courtroom deputy's initials	JUL 05 2001 date docketed [Signature] docketing deputy initials 7/3/2001 date mailed notice SN mailing deputy initials			
		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RAFAL KACZKOWSKI,

Plaintiff,

v.

DAIMLERCHRYSLER CORPORATION,

Defendant.

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No. 01 C 3739

DOCKETED  
JUL 05 2001

MEMORANDUM ORDER

DaimlerChrysler Corporation ("Chrysler") has filed its Answer to the personal injury suit brought against it by Rafal Kaczowski ("Kaczowski"). This memorandum order is issued sua sponte because of some patent pleading flaws in that responsive pleading that require prompt correction.

Despite the plain roadmap that is marked out by the second sentence of Fed. R. Civ. P. ("Rule") 8(b), Chrysler's Answer Count I ¶¶4, 5 and 14-19 and Count II ¶¶4, 5 and 13-17 employ this impermissible locution:

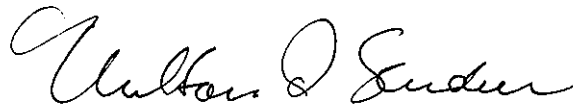
The defendant possesses insufficient knowledge to either admit or deny the allegations contained in paragraph -- of Count I of plaintiff's Complaint at Law and, therefore, denies same and demands strict proof thereof.

Both as to the inadequacy of such a disclaimer and as to the meaningless demand for "strict proof," see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001). Although this Court may be wrong about this, it has a general recollection that the same defect may have been pointed

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out to other members of Chrysler's law firm before this. But whether or not that is the case, the firm ought to eliminate the improper language from its computer program.

Meanwhile the entire Answer is stricken to avoid the need to resort to patchwork pleading. Leave is, however, granted to file a self-contained Amended Answer in this Court's chambers on or before July 16, 2001.<sup>1</sup>



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Milton I. Shadur  
Senior United States District Judge

Date: July 2, 2001

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<sup>1</sup> No charge is to be made to Chrysler by its counsel for the added work and expense incurred in correcting counsel's own errors. Chrysler's counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).